

Remarks

1. Summary of the Office Action

In the office action mailed November 9, 2007, the Examiner rejected claims 1-11, 18, 19, and 22. On page 2 of the office action, the Examiner indicated that claims 1-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,275,243 (hereinafter "Gibbons"). On pages 5-6 of the office action, the Examiner provided arguments regarding dependent claims 18, 19, and 22. As far as Applicant can tell, claims 18, 19, and 22 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Gibbons.

2. Finality of Office Action

The office action summary indicates that the office action is non-final. However, page 5 of the office action indicates that the office action is made final.

On November 26, 2007, the undersigned representative of Applicant discussed with Examiner Kendal whether the office action is final. During this discussion, the Examiner indicated that the office action is non-final.

3. Amendments and Pending Claims

Applicant has amended claim 1. Claims 1-11, 18, 19, and 22 are presently pending in this application. Claim 1 is independent. Support for the amendment to claim 1 is located in the specification, for example, at page 48, lines 10-23.

4. Response to the Claim Rejections

The Examiner rejected independent claim 1 under 35 U.S.C. § 102(e) as being anticipated by Gibbons. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

In rejecting claim 1, the Examiner argued that column 4, lines 60-67 of Gibbons discloses downloading to the mobile information device a generic content descriptor file for the non-Java content, wherein the generic content descriptor file includes at least one attribute other than an attribute that indicates a location from which the mobile information device can download the non-Java content. (See, office action, pages 2-3). For purposes of this paper, this argument will be referred to as “the Examiner’s first argument.”

Column 4, lines 60-67 of Gibbons discloses that (i) a mobile terminal device accesses a Wireless Application Descriptor (WAD) prior to retrieving a Download Object (DO), (ii) the WAD is associated with the DO, and (iii) the WAD specifies metadata elements associated with the DO including package elements, object elements, restriction elements, device elements, and icon elements. Based on the Examiner’s first argument and Gibbons disclosure at column 4, lines 60-67, as far as Applicant can tell, the Examiner has argued that the “WAD” disclosed by Gibbons amounts to the claimed “generic content descriptor file,” the “DO” disclosed by Gibbons amounts to the claimed “non-Java content,” and the “metadata elements associated with the DO” disclosed by Gibbons amount to the claimed “at least one attribute other than an attribute that indicates a location from which the mobile information device can download the non-Java content.”

However, in rejecting claim 1, the Examiner then argued that column 5, lines 30-40 of Gibbons discloses processing the downloaded generic content descriptor file at the mobile information device so as to verify presence of the at least one attribute in the generic content descriptor file. (See, office action, page 3). For purposes of this paper, this argument will be referred to as “the Examiner’s second argument.”

Column 5, lines 30-40 of Gibbons discloses that (i) applications can be matched to mobile devices according to functionality required by applications and functionality provided by devices, (ii) a content descriptor file is maintained for a downloadable application and submitted with the application to a content provider, and (iii) the content descriptor file specifies functionality required by the application and enables the application to be matched with mobile devices that provide the required functionality.

Based on the Examiner's second argument and Gibbons disclosure at column 5, lines 30-40, as far as Applicant can tell, the Examiner has argued that the "content descriptor file" disclosed by Gibbons amounts to the claimed "generic content descriptor file." Thus, according to the Examiner's first argument, the Examiner's second argument, and Gibbons' disclosure at column 4, lines 60-67 and column 5, lines 30-40, as far as Applicant can tell, the Examiner has argued that the **WAD** disclosed by Gibbons and the *content descriptor file* disclosed by Gibbons each amount to the claimed *generic content descriptor file*.

However, the content descriptor file disclosed by Gibbons does not amount to the claimed "generic content descriptor file," at a minimum, because Gibbons does not teach or suggest that the content descriptor file of Gibbons is downloaded to a mobile information device. Rather, Gibbons merely discloses that (i) the content descriptor file is maintained for a downloadable application and *submitted with the application to a content provider* (e.g., a server 410 maintained by the content provider and/or a content provider server), and (ii) *the application is downloaded* and executed by a mobile terminal (MT) device. (See, e.g., Gibbons, col. 5, lines 36-38, col. 14, lines 58-59, col. 16, line 32, col. 23, line 62, and Figures 3 and 4). Although Gibbons discloses submitting a content descriptor file to the content provider (e.g., the

server 410), Figure 4 of Gibbons shows that the server 410 is distinct from the mobile devices 415.

Since the “content descriptor file” disclosed by Gibbons does not amount to the claimed “generic content descriptor file,” in this paper, for the sake of argument, Applicant assumes *arguendo* that the WAD disclosed by Gibbons amounts to the claimed “generic content descriptor file.” Hereinafter, this assumption will be referred to as “Applicant’s assumption.”

Even if Applicant’s assumption is correct, which Applicant does not concede, Gibbons does not teach or suggest each and every element of claim 1. In particular, Gibbons does not teach or suggest processing the downloaded generic content descriptor file (i.e., the “WAD” according to Applicant’s assumption) at the mobile information device so as to determine whether the at least one attribute is present in the generic content descriptor, as recited in claim 1.

At best, Gibbons discloses that (i) after an application manager (AM) of a mobile terminal (MT) device receives a WAD Uniform Resource Indicator (URI), the AM initiates WAD downloads in order to retrieve the WAD for further processing, (ii) after the WAD has been received, the AM executes all of the DO operations specified in the WAD, (iii) examples of DO operations include installation, upgrading, and deletion, and (iv) if an operation requires it, the AM begins WAD Execution – DO Download. (See, e.g., Gibbons, col. 11, lines 20-31, Figure 3).

Although Gibbons discloses that the AM of the MT device retrieves the WAD for further processing, Gibbons does not teach or suggest that the further processing at the MT device includes processing the WAD so as to determine whether the at least one attribute other than an attribute that indicates a location from which the mobile information device can download the

non-Java content is present in the WAD. Thus, Gibbons does not teach or suggest processing the downloaded generic content descriptor file (i.e., the WAD according to Applicant's assumptions) at the mobile information device so as to determine whether the at least one attribute is present in the generic content descriptor (i.e., the WAD according to Applicant's assumptions), as recited in claim 1.

Furthermore, Applicant has amended claim 1 to clarify that if the mobile information device thereby determines that the at least one attribute is present in the generic content descriptor file, then thereafter downloading the non-Java content to the mobile information device, and if the mobile information device thereby determines that the at least one attribute is missing from the generic content descriptor file, then not downloading the non-Java content to the mobile information device.

With regard to these amended elements of claim 1, Gibbons, at best, discloses that (i) a server 410 comprises a capability matching component 460, (ii) in accordance with a capability matching system of the invention, applications submitted by developers can be matched to various types of compatible computing devices employed by users, and (iii) functionality required by an application can be matched with the application, thus users of mobile devices can be assured that an application matched with their device will properly function when run on the user's device, and likewise, users of incompatible devices can avoid downloading applications that may not operate properly. (See, e.g., Gibbons, col. 16, lines 28-30, and col. 17, lines 5-18).

However, Gibbon's capability matching system for matching applications with various types of computing devices to ensure applications are matched with devices for proper functioning of the application and/or to avoid downloading applications that may not operate properly does not amount to (i) downloading the non-Java content to the mobile information

device if the mobile information device determines that the at least one attribute is present in the generic content descriptor file, and (ii) not downloading the non-Java content to the mobile information device if the mobile information device determines that the at least one attribute is missing from the generic content descriptor file. In Gibbons, the capability matching system is at a server that is distinct from the mobile devices. However, according to claim 1, the *mobile information device* processes the downloaded generic content descriptor to determine whether the at least one attribute is present in the generic content descriptor file.

Because Gibbons does not teach or suggest each and every element of claim 1, Gibbons fails to anticipate claim 1 under 35 U.S.C. § 102(e). Additionally, without conceding the assertions made by the Examiner regarding dependent claims 2-11, 18, 19, and 22, Applicant submits that dependent claims 2-11, 18, 19, and 22 are allowable for at least the reason that they depend from allowable claim 1.

5. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-11, 18, 19, and 22 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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Date: January 30, 2008

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